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U.S. DISTRICT COURT  
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Civil Action No. 501CV030

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**JOINT MOTION FOR PRELIMINARY APPROVAL OF PROPOSED  
SETTLEMENT AND APPROVAL OF NOTICE TO CLASS MEMBERS**

**JOINT MOTION FOR PRELIMINARY APPROVAL OF PROPOSED SETTLEMENT  
AND APPROVAL OF NOTICE TO CLASS MEMBERS—Page 1**

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## I.

The Class Representative has entered into a Settlement Agreement with Settling Defendants (the Class Action Settlement). A copy of the Class Action Settlement Agreement, which is conditioned on this Court's approval, is or will be on file in this litigation. The Class Action Settlement provides substantial benefits to the Class (as defined therein) and is fair, reasonable and adequate to the members of the Class, in light of the relevant facts and the applicable law.

Class Counsel and Settling Defendants' counsel represent to the Court that the proposed settlement was reached through extensive arms-length negotiations between the parties, and that Class Counsel are able and experienced attorneys who are well qualified to evaluate the proposed Class Action Settlement on behalf of the Class Members. The Class meets the requirements for class certification under Rule 23 of the Federal Rules of Civil Procedure. The Parties ask the Court to appoint Adriana Garza as Class Representative and Michael W. Shore and Joel M. Fineberg of SHORE FINEBERG, L.L.P.; Francisco J. Enriquez and Rolando Cantu of Enriquez & Cantu, L.L.P.; and Roger L. Mandel and Marc R. Stanley of Stanley, Mandel & Iola, L.L.P. as Class Counsel.

## II.

The Notice to be provided to individual Class Members, in substantially the form attached hereto as Exhibit A, will be sufficient to inform Class Members regarding: (1) a description of the litigation, (2) the terms of this proposed settlement agreement, (3) Class Counsel's attorneys' fees and expenses, (4) the Class Representative's incentive award, (5) Class Members' right to object to or opt out of the settlement, (6) Class Members' right to appear in support of, or in objection to, this proposed settlement agreement at the scheduled fairness

hearing, (7) the fact that Ticketmaster may continue its Business Practices Regarding Cash Discounts, as set forth in the proposed settlement agreement, and that such practices, if followed, are legal and appropriate and for the benefit of the public, and (8) shall provide an address and telephone number to which Class Members may inquire to request additional information regarding the settlement agreement, including a copy of the settlement agreement. This Notice provides Class Members more than sufficient information to make intelligent decisions as to whether to remain in the Class, opt-out of the Class, or object to any aspect of the proposed Class Action Settlement.

### III.

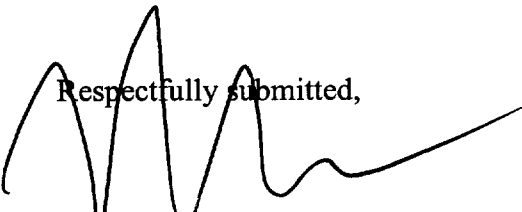
The Class Representative and Ticketmaster represent that Ticketmaster has made extensive and reasonable efforts to determine its ability to identify all or substantially all of the Class Members. The parties have determined to enter into an agreement providing for a Cy-Pres award, in large part, because the parties acknowledge and agree that Ticketmaster does not possess or have legal access to sufficient information as to the identities and current addresses of the Class Members who purchased Tickets at outlets nor does Ticketmaster have ready access or legally permissible access to other sources of this information. Moreover, individual notice to all Class Members who purchased Tickets over the telephones or Internet is not feasible or reasonable given the number of potential class members, the time period involved, and the potential cost of such notice. Individual notice to Class Members, therefore, is either not possible or reasonable. In addition, the parties cannot readily verify the consumers entitled to relief. Further, the costs of individual notice, even if it were possible, would far exceed the total value of the settlement and would preclude the settlement, if required. As a result, notice by publication in a news periodical of general circulation would be the most efficient, fairest

manner and most beneficial manner to provide notice to the proposed Class Members, setting forth the information outlined above. The Parties propose that Ticketmaster disseminate the Class Notice to the Class Members via publication in USA Today on at least three (3) separate dates beginning within ten (10) Business Days after the entry of an order granting this motion.

IV.

WHEREFORE, Plaintiff/Class Representative, ADRIANA GARZA, and Defendants TICKETMASTER L.L.C., TICKETMASTER GROUP, INC., and TICKETMASTER f/k/a TICKETMASTER ONLINE – CITY SEARCH, INC., pursuant to Rule 23 of the Federal Rules of Civil Procedure, request that the Court issue an Order: (1) preliminarily certifying the Class under Rule 23 of the Federal Rules of Civil Procedure, (2) appointing Adriana Garza as Class Representative and Michael W. Shore and Joel M. Fineberg of SHORE FINEBERG, L.L.P.; Francisco J. Enriquez and Rolando Cantu of Enriquez & Cantu, L.L.P.; and Roger L. Mandel and Marc R. Stanley of Stanley, Mandel & Iola, L.L.P. as Class Counsel, (3) preliminarily approving the proposed settlement of the parties as described in the class action Settlement Agreement executed by Class Representative, Class Counsel, Settling Defendants, and counsel for Settling Defendants, and (4) approving for publication the class notice proposed and submitted to the Court. A proposed form of order is contemporaneously submitted to the Court.

Respectfully submitted,



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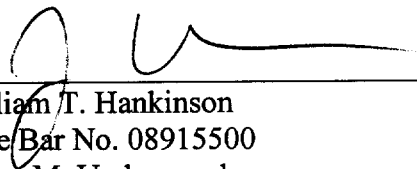
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- and -



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